

COURT-HOUSE AND BANK IN THE PUBLIC SQUARE AT HUNTSVILLE, ALABAMA

*The negro Maples was lynched by hanging to the elm-tree at the corner of the court-house, near the extreme right of the picture*

## WHAT IS A LYNCHING?

A STUDY OF MOB JUSTICE, SOUTH AND NORTH

BY

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ILLUSTRATED WITH PHOTOGRAPHS

*McClure's  
1905*

### I—LYNCHING IN THE SOUTH

**Y**OU and I imagine that a lynching somehow could not possibly take place in our town; our people are orderly and law-abiding; our officials, whatever may be said of their politics, may be depended upon to do their duty; you and I are truly civilized. And conversely, we imagine that the people in towns where lynchings occur must be somehow peculiarly barbarous, illiterate, lawless. A lynching, like death, is a great way off until it strikes us.

I have just been visiting a number of "lynching towns" in this country, both in the South and in the North. I went primarily to formulate, if I could, a clear idea of what one hundred and fifty lynchings a

year — the average in the United States for the last twenty-two years — might really signify, to discover in what way a lynching town is different from my town or your town, what classes of citizens constitute the mobs, and what is the underlying cause of such murderous outbreaks.

And as I visited the various towns I was more and more impressed with a sense of their homely familiarity; they were all American towns, just like yours and mine. I saw no barbarians. On Sunday morning I heard the church bells ringing, on week-days there was the same earnest political buncombe; I found the same sort of newspapers and fraternal societies and woman's clubs, the same talk — and nothing but talk — of "political graft" in this gas deal or that

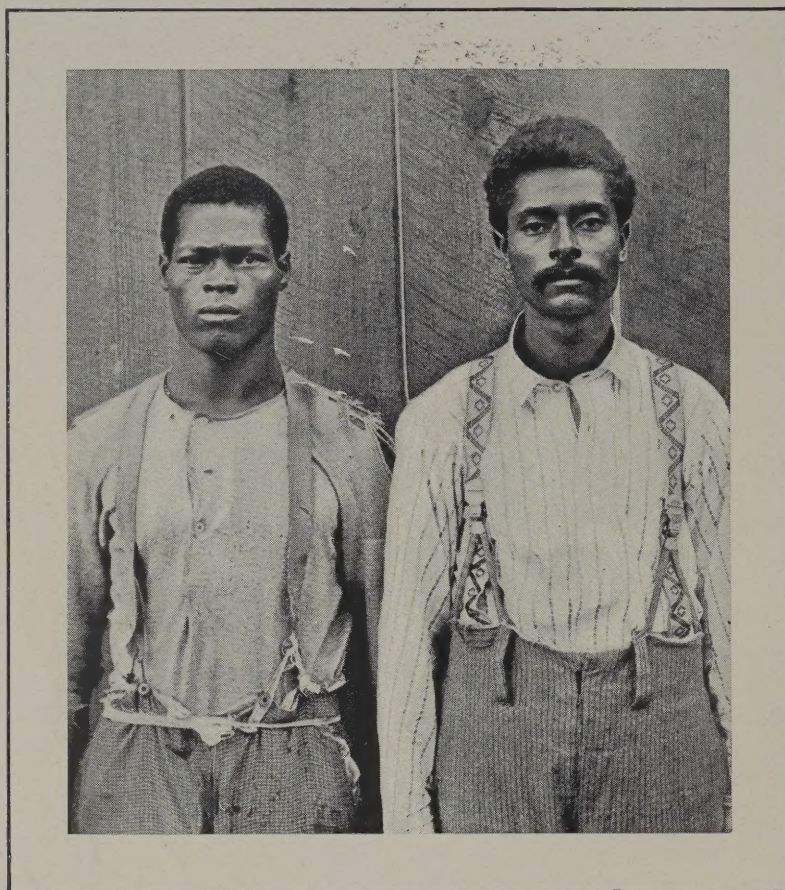


water company, the same soaring local pride over the tallest stand-pipe, or the most wonderful spring, or the greatest factory.

In each successive place they pointed out the telegraph-pole or tree from which the mob's victim had dangled, or the stake at which he was burned to death; they showed me the jails which had been broken open;

not all the victims, by any means, were negroes; seventeen were white men, one a Chinaman, and two were women.

I have borne thus strongly on the character of the lynching town, in order that we may examine a few specific cases with proper humility of spirit, as persons dwelling in glass houses. In every town where these



PAUL REED AND WILL CATO

*Negroes lynched by burning alive at Statesboro, Georgia*

they told me the awful and gruesome details of the crimes committed. And I heard and saw these things with a strong sense of the unreality of it all; one cannot easily believe that such upheavals could really happen in these orderly, busy, familiar American towns. Yet they have happened, both in the North and in the South, with incidents of unimaginable horror and brutality; and they will happen again — next time, perhaps, in your town or mine. No, lynching is not a crime of barbarians; it is not a Southern crime, nor a Western crime, nor a Northern crime; it is an American crime.

Of one hundred and four lynchings last year (1903), ninety-one were in the South, and thirteen in the North and West. And

tragedies had occurred, I heard good citizens saying just what you and I would presumably say: "I didn't think such a thing *could* happen here." Or, if a lynching had previously taken place, these optimistic citizens said they didn't think it would ever happen again — just what we would say. Good citizens are about the same everywhere at the present time in most American towns: about equally impotent and ineffective.

*Statesboro, where Two Negroes Were Burned Alive*

Statesboro, Georgia, where two negroes were recently burned alive under the most shocking circumstances, is a thrifty county-seat of some two thousand five hundred



people, located about seventy miles from Savannah. For a hundred years a settlement has existed here, but it was not until the people discovered the wealth of the turpentine forests and of the sea-island cotton industry that the town became highly prosperous. Since 1890 it has doubled in population every five years. Most of the town is newly built. A fine, new court-house stands in the city square, and there are new churches, a large, new academy, a new water-works system and telephones, electric lights, rural free delivery — everywhere the signs of improvement and progress. It is distinctly a town of the New South, developed almost exclusively by the energy of Southerners and with Southern money. Its population is pure American, mostly of old Carolina, Georgia, and Virginia stock. Fully seventy per cent of the inhabitants are church members — Baptists, Presbyterians, and Methodists — and the town has not had a saloon in twenty-five years and rarely has a case of drunkenness. There are no beggars and practically no tramps. A poorhouse, built several years ago, had to be sold because no one would go to it. The farms are small, for the most part, and owned by the farmers themselves; only eight per cent of them are mortgaged. Schools are plentiful for both white and colored children, though the school year is short and education not compulsory.

In short, this is a healthy, temperate, progressive American town — a country city, self-respecting, ambitious, with a good future before it — the splendid future of the New South.

### *Character of the Negro Population*

About forty per cent of the population of the county consists of negroes. To most Northerners a negro is a negro; but one of the first things to impress a visitor in the South is the fact that there are two very distinct kinds of negroes — as distinct as the classes of white men. The first of these is the self-respecting, resident negro. Sometimes he is a land-owner, more often a renter; he is known to the white people, employed by them, and trusted by them. The Southerner of the better class, indeed, takes a real interest in the welfare of the home negro, and often has a real affection for him. In Statesboro, as in most of the South, a large proportion of the negroes are of this better class. On the other hand, one finds everywhere large numbers of the so-called

“worthless negroes,” perhaps a growing class, who float from town to town, doing rough work, having no permanent place of abode, not known to the white population generally. The turpentine industry has brought many such negroes to the neighborhood of Statesboro. Living in the forest near the turpentine-stills, and usually igno-

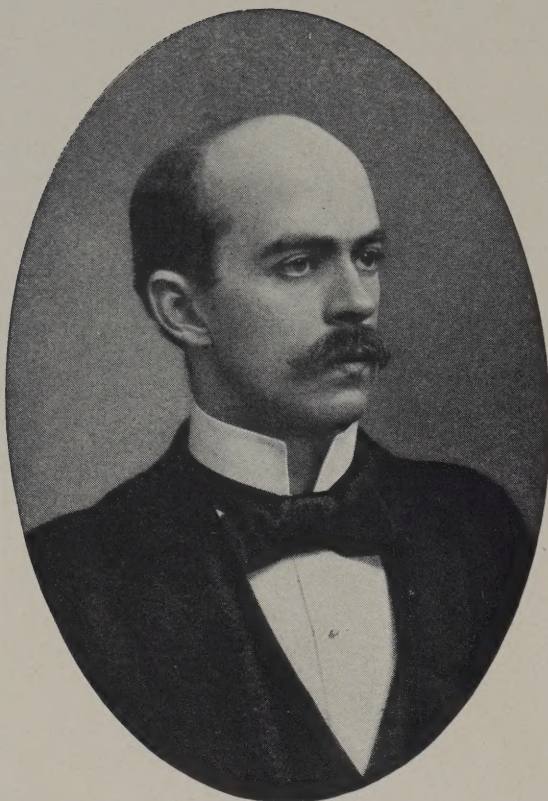


STUMP AT WHICH REED AND CATO  
WERE BURNED

*The fire still smoldering*

rant and lazy, they and all their kind, both in the country districts and in the city, are doubly unfortunate in coming into contact chiefly with the poorer class of white people, whom they often meet as industrial competitors. White bricklayers, for instance, work with negro bricklayers, and the trade jealousy which inevitably arises is slowly crowding the negro out of the skilled trades and forcing him, more and more, to the heavy toil of manual labor,





JUDGE PAUL SPEAKE, OF HUNTSVILLE, ALABAMA

This industrial friction (a more important factor in the negro problem, perhaps, than is commonly recognized), added to the historic contempt of the negro for the "poor white" and the hatred of the poor white for the negro, constitutes a fertile source of discord. Even after making due allowance for the bitter problems of "social equality," negro franchise, and negro crime, all of which go to make up what is called "race prejudice," it is safe to say that if there were only the better class of whites in the South and the better class of negroes, there would be no such thing as a negro problem.

#### *Danger from the Floating Negro*

In all the towns I visited, South as well as North, I found that this floating, worthless negro caused most of the trouble. He prowls the roads by day and by night; he steals; he makes it unsafe for women to travel alone. Sometimes he has gone to school long enough to enable him to read a little and to write his name, enough education to make him hate the hard work of the fields and aspire to better things, without giving him the determination to earn them. He is often under the domination of half-educated negro preachers, who sometimes make it their stock in trade to stir their fol-

lowers to greater hatred of the whites. He has little or no regard for the family relations or home life, and when he commits a crime or is tired of one locality, he sets out, unencumbered, to seek new fields, leaving his wife and children without the slightest compunction.

About six miles from the city of Statesboro lived Henry Hodges, a well-to-do planter. He had a good farm, he ran three plows, as they say in the cotton country, and rumor reported that he had money laid by. Coming of an old family, he was widely related in Bulloch County, and his friendliness and kindness had given him and his family a large circle of acquaintances. Family ties and friendships, in old-settled communities like those in the South, are influences of much greater importance in fixing public opinion and deciding political and social questions than they are in the new and heterogeneous communities of the North.

The South is still, so far as the white population is concerned, a sparsely settled country. The farmers often live far apart; the roads are none too good. The Hodges home was in a lonely place, the nearest neighbors being negroes, nearly half a mile distant. No white people lived within three-quarters of a mile. Hodges had been brought up among negroes, he employed them, he was kind to them. To one of the negroes suspected of complicity in the subsequent murder, he had loaned his shot-gun; another, afterwards lynched, called at his home the very night before the murder, intending then to rob him, and Hodges gave him a bottle of turpentine to cure a "snake-graze." It is said in the South that the negro always attacks the friendly, inoffensive, or unprotected whites; that he rarely, if ever, injures a man he fears.

#### *Story of the Murder*

On the evening of July 29, 1904, Mr. Hodges drove to a neighbor's house to bring his nine-year-old girl home from school. No Southern white farmer, especially in thinly settled regions like Bulloch County, dares permit any woman or girl of his family to go out anywhere alone, for fear of the criminal negro.

"You don't know and you can't know," a Georgian said to me, "what it means down here to live in constant fear lest your wife or daughter be attacked on the road, or even in her home. Many women in the city of



Statesboro dare not go into their back yards after dark. Every white planter knows that there is always danger for his daughters to visit even the nearest neighbor, or for his wife to go to church without a man to protect her."

It is absolutely necessary to understand this point of view before one can form a true judgment upon conditions in the South.

When Hodges arrived at his home that night, it was already dark. The little girl ran to join her mother; the father drove to the barn. Two negroes — perhaps more — met him there and beat his brains out with a stone and a buggy brace. Hearing the noise, Mrs. Hodges ran out with a lamp and set it on the gate-post. The negroes crept up — as nearly as can be gathered from the contradictory stories and confessions — and murdered her there in her doorway with peculiar brutality. Nearly all of the crimes committed by negroes are marked with almost animal-like ferocity. Once aroused to murderous rage, the negro does not stop with mere killing; he bruises and batters his victim out of all semblance to humanity. For the moment, under stress of passion, he seems to revert wholly to savagery.

The negroes went into the house and ransacked it for money. The little girl, who must have been terror-stricken beyond belief, hid behind a trunk; the two younger children, one a child of two years, the other a mere baby, lay on the bed. Finding no money, the negroes returned to their homes. Here they evidently began to dread the consequences of their deed, for towards midnight they returned to the Hodges home. During all this time the little girl had been hiding there in darkness, with the bodies of her father and mother in the doorway. When the negroes appeared, she either came out voluntarily, hoping that friends had arrived, or she was dragged out.

"Where's the money?" demanded the negroes.

The child got out all she had, a precious five-cent piece, and offered it to them on condition that they would not hurt her. One of them seized her and beat her to death.

I make no excuse for telling these details; they *must be told*, else we shall not see the depths or the lengths of this problem.

### *Burning of the Hodges Home*

The negroes then dragged the bodies of Mr. and Mrs. Hodges into their home and set

the house afire. As nearly as can be made out from the subsequent confessions, the two younger children were burned alive.

When the neighbors reached the scene of the crime, the house was wholly consumed, only the great end chimney left standing, and the lamp still burning on the gate-post.

Well, these Southerners are warm-hearted, home-loving people. Everyone knew and respected the Hodges — their friends in the church, their many relatives in the county — and the effect of this frightful crime described in all its details, may possibly be



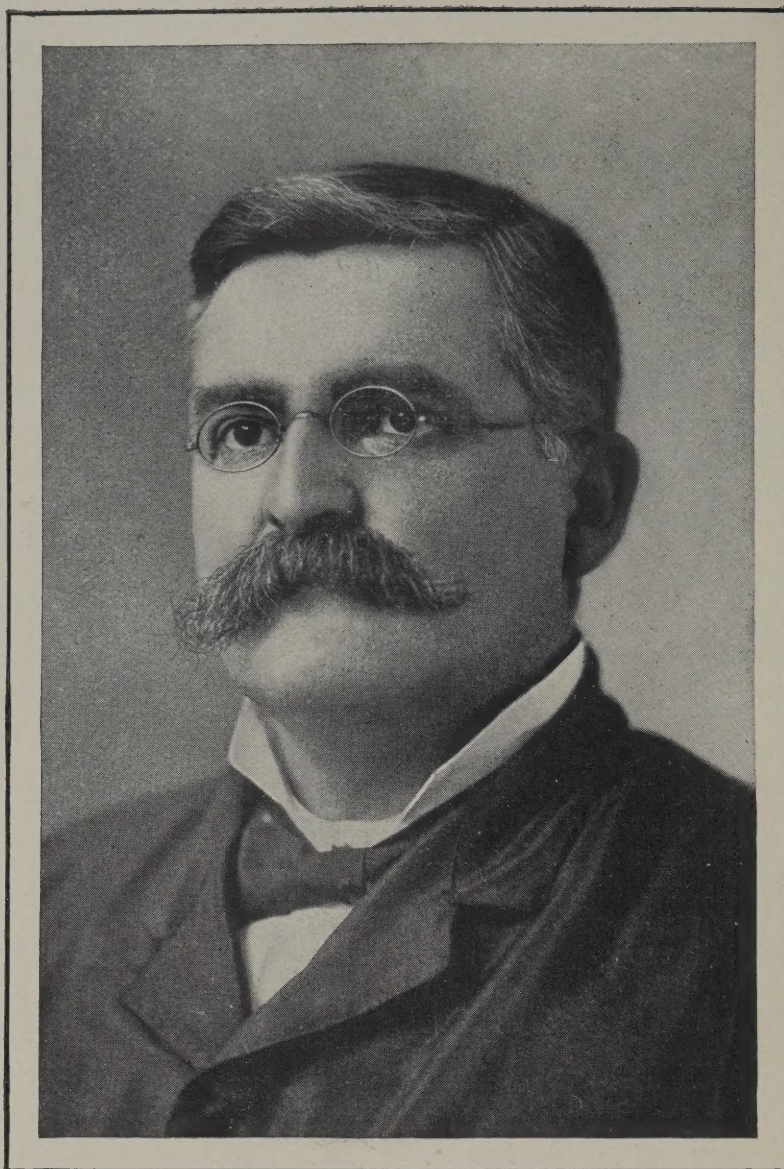
TWO CHILDREN OF HENRY HODGES

*Burned to death by the negroes Reed and Cato*

imagined by Northern people living quietly and peacefully in their homes. When two of the prominent citizens of the town told me, weeks afterwards, of the death of the little girl, they could not keep back their tears.

The murder took place on Friday night; on Saturday the negroes, Paul Reed and Will Cato, were arrested with several other suspects, including two negro preachers. Both Reed and Cato were of the illiterate class; both had been turpentine workers, living in the forest, far from contact with white people.





ACTING GOVERNOR CUNNINGHAM OF ALABAMA

*Whose vigorous stand against lynching has attracted wide attention*

Cato was a floater from South Carolina. Reed was born in the county, but he was a good type of the worthless and densely ignorant negro.

It is a somewhat common impression that a whole town loses itself in a passion of anarchy, and is not satisfied until the criminals are killed. But in spite of the terrible provocation and the intense feeling, there yet existed in Statesboro exactly such a feeling for the sacredness of law, such intelligent Americanism, as exists in your town or mine. Not within the present generation had a lynching taken place in the town, and the people were deeply concerned to preserve the honor and good name of their community. In the midst of intense excitement a meeting of good citizens, both white and black, was

called in the court-house. It was presided over by J. A. Brannan, one of the foremost citizens. Speeches were made by Mayor Johnstone, by the ministers of the town, and by other citizens, including a negro, all calling for good order and the calm and proper enforcement of the law.

#### *Attempts to Prevent the Lynching*

And the regular machinery of justice was put in motion with commendable rapidity. Fearing a lynching, the negroes were sent to Savannah and there lodged in jail. A grand jury was immediately called, indictments were found, and in two weeks — the shortest possible time under the law — the negroes were brought back from Savannah for trial. To protect them, two military



companies, one from Statesboro, one from Savannah, were called out. The proof of guilt was absolutely conclusive, and, although the negroes were given every advantage to which they were entitled under the law, several prominent attorneys having been appointed to defend them, they were promptly convicted and sentenced to be hanged.

In the meantime great excitement prevailed. The town was crowded for days with farmers who came flocking in from every direction. The crime was discussed and magnified; it was common talk that the "niggers of Madison County are getting too bigoty" — that they wouldn't "keep their places." Fuel was added to the flame by the common report that the murderers of the Hodges family were members of a negro assassination society known as the "Before Day Club," and wild stories were told of other murders that had been planned, the names of intended victims even being reported.

On the Sunday night before the trial, two negro women, walking down the street, pushed two respectable white girls off the sidewalk, with obscene abuse. The crowd dragged the women from a church where they had gone, took them to the outskirts of the town, whipped them both violently, and ordered them to leave the county.

"Let the law take its course," urged the good citizen. "The negroes have been sentenced to be hanged, let them be hanged legally; we want no disgrace to fall on the town."

### *How the Lynchers Themselves Defend a Lynching*

But as the trial progressed and the crowd increased, there were louder and louder expressions of the belief that hanging was too good for such a crime. I heard intelligent citizens argue that a tough negro criminal, in order to be a hero in the eyes of his people, does not mind being hanged. He is allowed to make a speech, the ministers pray over him, he confesses dramatically, and he and all his negro friends are sure that he is going straight to Paradise.

Another distinct feeling developed — a feeling that I found in other lynching towns: that somehow the courts and the law were not to be trusted to punish the criminals properly. Although Reed and Cato were sentenced to be hanged, the crowd argued that "the lawyers would get them off," that

"the case would be appealed, and they would go free." Members of the mob tried to get Sheriff Kendrick to promise not to remove the negroes to Savannah, fearing that in some way they would be taken beyond the reach of justice.

In other words, there existed a deep-seated conviction that justice too often miscarried in Bulloch County and that murderers commonly escaped punishment through the delays and technicalities of the law.

### *A Habit of Man-Killing*

And there is, unfortunately, a foundation for this belief. In every lynching town I visited I made especial inquiry as to the prevalence of crime, particularly as to the degree of certainty of punishment for crime. In all of them property is safe; laws looking to the protection of goods and chattels are executed with a fair degree of precision; for we are a business-worshiping people. But I was astounded by the extraordinary prevalence in all these lynching counties, North as well as South, of crimes of violence, especially homicide, accompanied in every case by a poor enforcement of the law. Bulloch County, with barely twenty-five thousand inhabitants, has had thirty-two homicides in a little more than five years — an annual average of one to every four thousand five hundred people (the average in the entire United States being one to nine thousand). Within eight months prior to the Hodges lynching, no fewer than ten persons (including the Hodges family) were murdered in Bulloch County. In twenty-eight years, notwithstanding the high rate of homicides, only three men, all negroes, have been legally hanged, while four men — three negroes and one white man — have been lynched.

It is well understood that if the murderer has friends or a little money to hire lawyers, he can, especially if he happens to be white, nearly always escape with a nominal punishment. These facts are widely known and generally commented upon. In his subsequent charge to the grand jury, Judge Daley said that the mob was due in part to "delays in the execution of law and to the people becoming impatient."

I am not telling these things with any idea of excusing or palliating the crime of lynching, but with the earnest intent of setting forth all the facts, so that we may understand just what the feelings and impulses of a lynching town really are, good as well as



bad. Unless we diagnose the case accurately, we cannot hope to prescribe effective remedies.

### *Psychology of the Mob*

In the intense, excited crowd gathered around the court-house on this Tuesday, the 16th of August, other influences were also at work, influences operating in a greater or less degree in every lynching mob. We are accustomed to look upon a mob as an entity, the expression of a single concrete feeling; it is not; it is itself torn with dissensions and compunctions, swayed by conflicting emotions. Similarly, we look upon a militia company as a sort of machine, which, set in operation, automatically performs a certain definite service. But it is not. It is made up of young men, each with his own intense feelings, prejudices, ideals; and it requires unusual discipline to inculcate such a sense of duty that the individual soldier will rise superior to the emotions of the hour. Most of these young men of Statesboro and Savannah really sympathized with the mob; among the crowd the Statesboro men saw their relatives and friends. Some of the officers were ambitious men, hoping to stand for political office. What would happen if they ordered the troops to fire on their neighbors?

And "the nigger deserved hanging," and "why should good white blood be shed for nigger brutes?" At a moment of this sort the clear perception of solemn abstract principles and great civic duties fades away in tumultuous excitement. Yet these soldier boys were not cowards; they have a fighting history; their fathers made good soldiers; they themselves would serve bravely against a foreign enemy, but when called upon for mob service they failed utterly, as they have failed repeatedly, both North and South.

Up to the last moment, although the crowd believed in lynching and wanted to lynch, there seemed to be no real and general determination to forestall the law. The mob had no center, no fixed purpose, no real plan of action. One determined man, knowing his duty (as I shall show in another story), and doing it with common sense, could have prevented trouble, but there was no such man. Captain Hitch, of the Savannah Company, a vacillating commander, allowed the crowd to pack the court-house, to stream in and out

among his soldiers; he laid the responsibility (afterwards) on the sheriff, and the sheriff shouldered it back upon him. In nearly all the cases I investigated, I found the same attempt to shift responsibility, the same lack of a responsible head. Our system too often fails when mob stress is laid upon it—unless it happens that some splendid man stands out, assumes responsibility, and becomes a momentary despot.

### *How the Soldiers Were Overpowered*

A mob, no matter how deeply inflamed, is always cowardly. This mob was no exception. It crowded up, crowded up, testing authority. It joked with the soldiers, and when it found that the jokes were appreciated, it took further liberties; it jostled the soldiers—good-humoredly. "You don't dare fire," it said, and the soldiers made no reply. "Your guns aren't loaded," it said, and some soldier confessed that they were not. In tender consideration for the feelings of the mob, the officers had ordered the men not to load their rifles. The next step was easy enough; the mob playfully wrenched away a few of the guns, those behind pushed forward—those behind always do push forward, knowing they will not be hurt—and in a moment the whole mob was swarming up the stairs, yelling and cheering.

In the court-room sentence had been passed on Reed and Cato, and the judge had just congratulated the people on "their splendid regard for the law under very trying conditions." Then the mob broke in. A brother of the murdered Hodges, a minister from Texas, rose splendidly to the occasion. With tears streaming down his face, he begged the mob to let the law take its course.

"We don't want religion, we want blood," yelled a voice.

The mob was now thoroughly stirred; it ceased to hesitate; it was controlled wholly by its emotions. The leaders plunged down the court-room and into the witness chamber, where the negroes sat with their wives, Reed's wife with a young baby. The officers of the law accommodately indicated the right negroes, and the mob dragged them out. Hanging was at first proposed, and a man even climbed a telegraph-pole just outside the court-house, but the mob, growing more ferocious as it gathered volume and excitement, yelled its determination:

"Burn them! burn them!"



They rushed up the road, intending to take the negroes to the scene of the crime. But it was midday in August, with a broiling hot sun overhead and a dusty road underfoot. A mile from town the mob swerved into a turpentine forest, pausing first to let the negroes kneel and confess. Calmer spirits again counseled hanging, but some one began to recite in a high-keyed voice the awful details of the crime, dwelling especially on the death of the little girl. It worked the mob into a frenzy of ferocity.

"They burned the Hodges' and gave them no choice; burn the niggers!"

"Please don't burn me," pleaded Cato. And again: "Hang me or shoot me; please don't burn me!"

### *Burning of the Negroes*

Some one referred the question to the father-in-law of Hodges. He said Hodges' mother wished the men burned. That settled it. Men were sent into town for kerosene oil and chains, and finally the negroes were bound to an old stump, fagots were heaped around them, and each was drenched with oil. Then the crowd stood back accommodatingly, while a photographer, standing there in the bright sunshine, took pictures of the chained negroes. Citizens crowded up behind the stump and got their faces into the photograph. When the fagots were lighted, the crowd yelled wildly. Cato, the less stolid of the two negroes, partly of white blood, screamed with agony; but Reed, a black, stolid savage, bore it like a block of wood. They threw knots and sticks at the writhing creatures, but always left room for the photographer to take more pictures.

And when it was all over, they began, in common with all mobs, to fight for souvenirs. They scrambled for the chains before they were cold, and the precious links were divided among the populace. Pieces of the stump were hacked off, and finally one young man — it must be told — gathered up a few charred remnants of bone, carried them up-town, and actually tried to give them to the judge who presided at the trial of the negroes, to the utter disgust of that official.

### *After-Effects of Mob-Law*

This is the law of the mob, that it never stops with the thing it sets out to do. It is exactly like any other manifestation of uncontrolled human passion — given license it takes more license, it releases that which is

ugly, violent, revengeful in the community as in the individual human heart. I have heard often of a "quiet mob," an "orderly mob," which "went about its business and hanged the nigger," but in all the cases I have known about, and I made special inquiries upon this particular point, not one single mob stopped when the immediate work was done, unless under compulsion. Even good citizens of Statesboro will tell you that "the niggers got only what they deserved," and "it was all right if the mob had only stopped there." But it did not stop there; it never does.

All the stored-up racial animosity came seething to the surface; all the personal grudges and spite. As I have already related, two negro women were whipped on the Sunday night before the lynching. On the day following the lynching the father of the women was found seeking legal punishment for the men who whipped his daughters, and he himself was taken out and frightfully beaten. On the same day two other young negroes, of the especially hated "smart nigger" type, were caught and whipped — one for riding a bicycle on the sidewalk, the other, as several citizens told me, "on general principles." But this was not the worst. On Wednesday night an old negro man and his son — negroes of the better class — were sitting in their cabin some miles from Statesboro, when they were both shot at through the window and badly wounded. Another respectable negro, named McBride, was visited in his home by a white mob, which first whipped his wife, who was confined with a baby three days old, and then beat, kicked, and shot McBride himself so horribly that he died the next day. The better class of citizens, the same men who would, perhaps, condone the burning of Reed and Cato, had no sympathy with this sort of thing. Some of them took McBride's dying statement, and four white men are now under arrest, charged with the murder. But, as a prominent citizen told me, "They will prove alibis."

Indeed, the mob led directly to a general increase of crime in Bulloch County. As Judge Daley said in his charge to a subsequent grand jury:

"Mob violence begets crime. Crime has been more prevalent since this lynching than ever before. In the middle circuit the courts have been so badly crowded with murder trials that it has been almost impossible to attend to civil business."



Another evil result of the lynching was that it destroyed valuable evidence. The prosecutors had hoped to learn from the convicted Reed and Cato the details of the assassination society of which I have already spoken, and thereby bring to justice all the other negroes suspected of complicity in the murder of the Hodges'. This is now impossible, and if the Before Day Club ever existed, most of the criminals who composed it are still at large, awaiting the next opportunity to rob and murder.

### *Mob Justice and the Cotton Crop*

Mob-law has not only represented a moral collapse in this community, but it struck, also, at the sensitive pocket of the business interests of the county. Frightened by the threatening attitude of the whites, the negroes began to leave the county. It was just at the beginning of the cotton-picking season, when labor of every sort was much needed, negro labor especially. It would not do to frighten away all the negroes. On Thursday some of the officials and citizens of Statesboro got together, appointed extra marshals, and gave notice that there were to be no more whippings, and the mob spirit disappeared — until next time.

But what of the large negro population of Statesboro during all this excitement? The citizens told the "decent negroes": "We don't want to hurt you; we know you; you are all right; go home and you won't be hurt." Go home they did, and there was not a negro to be seen during all the time of the lynching. From inquiry among the negroes themselves, I found that most of them had no voice to raise against the burning of Reed and Cato. This was the grim, primitive, eye-for-an-eye logic that they used, in common with many white men:

"Reed and Cato burned the Hodges'; they ought to be burned."

Even Cato's wife used this logic.

But all the negroes were bitter over the indiscriminate whippings which followed the lynching. These whippings widened the breach between the races, led to deeper suspicion and hatred, fertilized the soil for future outbreaks. In the same week that I visited Statesboro, no fewer than three cotton-gins in various parts of Bulloch County were mysteriously burned at night, and while no one knew the exact origin of the fires, it was openly charged that they were

caused by revengeful negroes. None of these terrible after-effects would have taken place if the law had been allowed to follow its course.

### *A Fighting Parson*

The overwhelming majority of the people of Bulloch County undoubtedly condoned the lynching, even believed in it heartily and completely. And yet, as I have said, there was a strong dissenting opposition among the really thoughtful, better-class citizens. All the churches of Statesboro came out strongly for law and order. The Methodist church, led by a fighting parson, the Rev. Whitely Langston, expelled two members who had been in the mob — an act so unpopular that the church lost twenty-five members of its congregation. Of course, the members of the mob were known, but none of them will ever be punished. The judge especially charged the grand jury to investigate the lynching, and this was its report:

"We deplore the recent lawlessness in our city and community, specially referred to by his Honor, Judge A. F. Daley, in his able charge. We have investigated the matter in the light of information coming under our personal knowledge, and obtained by the examination of a number of witnesses, but we have been unable to find sufficient evidence to warrant indictments. We tender thanks to his Honor, Judge Daley, for his able and comprehensive charge."

A feeble attempt was made to discipline the military officers who allowed the populace to walk over them and take away their guns. A court-martial sat for days in Savannah and finally recommended the dismissal of Captain Hitch from the service of the state; but the Governor let him off with half the penalty suggested. Two lieutenants were also disciplined.

In the state election which followed the lynching, numerous voters in Bulloch County actually scratched the name of Governor Terrell, of Georgia, because he ordered the troops to Statesboro, and substituted the name of Captain Hitch. Sheriff Kendrick, who failed to protect Reed and Cato, was re-elected without opposition.

It was in a tone of deep discouragement that Mayor G. S. Johnstone, of Statesboro, said to me:

"If our grand jury won't indict these lynchers, if our petit juries won't convict,



and if our soldiers won't shoot, what are we coming to?"

### *Revolution of Opinion in the South on Lynching*

Conditions at Statesboro are, perhaps, typical of those in most Southern towns. In most Southern towns a lynching would be conducted much as it was in Statesboro; there would be the same objecting but ineffective minority of good citizens, the troops would refuse their duty, and the lynchers would escape in much the same way. And yet, if we were to stop with the account of the Statesboro affair, we should overlook some of the greatest influences now affecting the lynching problem in the South. No one who visits the South can escape the conviction that, with its intensified industrial life, and the marvelous development and enrichment of the whole country, other equally momentous, if less tangible, changes are taking place. Public opinion is developing along new lines, old, set prejudices are breaking up, and there is, among other evident influences, a marked revolution in the attitude of the Southern people and the Southern newspapers on the lynching question. Statesboro gives the problem a hopeless look; but it represents the typical Southern lynching of two or three or more years ago. I turn now to the recent lynching at Huntsville, Alabama, which reveals in a striking manner some of the features of the new revolt in the South against mob-law.

### *A Negro Crime at Huntsville, Alabama*

One evening last September a negro of Huntsville, Alabama, asked an old peddler named Waldrop for a ride. Waldrop was a kindly old man, well known and respected throughout Madison County; he drove into the city two or three times a week with vegetables and chickens to sell, and returned with the small product of his trade in his pocket.

Waldrop knew the negro, Maples, and, although Maples was of the worthless sort, and even then under indictment for thieving, the peddler made room for him in his wagon, and they rode out of the town together. They drove into a lonely road. They crossed a little bridge. Tall trees shaded and darkened the place. Night was falling. The negro picked up a stone and beat out the brains of the inoffensive old man, robbed him, and left him lying there at the roadside, while the horse wandered homeward.

How a murder cries out! The murderer fled in the darkness, but it was as if he left great footprints. The next day, in Huntsville, the law laid its hand on his shoulder.

Now, Huntsville is one of the best cities in Alabama. No other city, perhaps, preserves more of the aristocratic habiliments of the older South. It was the first capital of the state. Seven governors lie buried in its cemetery; its county house, its bank, some of its residences are noble examples of the architecture of the ante-bellum South. And while preserving these evidences of the wealth and refinement of an older civilization, few cities in the South have responded more vigorously to the new impulses of progress and development. Its growth during the last few years has been little short of amazing. Northern capital has come in; nine cotton-mills have been built, drawing a large increase of population, and stimulating the development of the country in every direction. It is a fine, orderly, progressive city — intensely American, ambitious, self-respecting.

### *Relation of Lynching to Business Success*

Huntsville has had its share of lynchings in the past. Within twenty years seven negroes and one white man have been the victims of mobs in Madison County. The best citizens knew what a lynching meant; they knew how the mob began, and what invariably followed its excesses, and they wanted no more such horrors. But this revolt was not wholly moral. With awakening industrial ambition the people realized that disorder had a tendency to frighten away capital, stop immigration, and retard development generally. Good business demands good order. This feeling has been expressed in various forms and through many channels. It existed in Statesboro, but it was by no means as vigorous as in this manufacturing city of Huntsville. We find, for instance, Congressman Richardson of Alabama, a citizen of Huntsville, saying in a speech on the floor of the House of Representatives:

"Why, Mr. Chairman, we have more reason in the South to observe the law and do what is right than any other section of this Union."

The *Atlanta Constitution* presents the same view in vigorous language:

"Aside entirely from the consideration of the evil effects of the mob spirit in breeding



general disrespect for the law, and aside from the question of the inevitable brutalizing effect of lynching upon those who are spectators — and the effect goes even further — the practical question arises: Can we at the South afford it?

"Is there any use blinding ourselves to the fact, patent to everybody, that it is this sort of thing that has kept hundreds of thousands of desirable immigrants from coming to the Southern States?"

### *Story of a Bold Judge*

When the murderer of the peddler Wal-drop was arrested, therefore, the thoughtful and progressive people of the city — the kind who are creating the New South — took immediate steps to prevent mob disturbance. It was fortunate in having an able, energetic young man as its circuit judge — a judge, the son of a judge, who saw his duty clearly, and who was not afraid to act, even though it might ruin his immediate political future, as, indeed, it has done. Rare qualities in these days! The murder was committed Tuesday, September 6th, the negro was arrested Wednesday, Judge Speake impanelled a special grand jury without waiting a moment, and that very afternoon, within six hours after the negro's arrest and within twenty hours after the crime was committed, the negro was formally indicted. Arrangements were then made to call a special trial jury within a week, in the hope that the prospect of immediate punishment would prevent the gathering of a mob.

### *A Record of Homicide as a Cause of Lynching*

But, unfortunately, we find here in Madison County not only a history of lynching — a habit, it may be called — but there existed the same disregard for the sacredness of human life which is the common characteristic of most lynching communities, South or North. I made a careful examination of the records of the county. In the five years preceding this lynching, no fewer than thirty-three murder and homicide cases were tried in the courts, besides eight murderers indicted, but not arrested. This is the record of a single county of about forty thousand people. Notwithstanding this record of crime, there has not been a legal hanging in the county, even of a negro, for nineteen years. It is a fact — well known to everybody in the county — that it is next

to impossible to convict a white man for killing. Murderers employ good lawyers, they appeal their cases, they bring political friendships to bear, and the relationships between the old families are so far extended that they reach even into the jury room. As a consequence, nearly every white murderer goes free. Only a short time before the present lynching, Fred Stevens, a white man, who shot a white man in a quarrel over a bucket of water, was let out with a fine of \$50, costs, and thirty days in jail. This for a *killing*! And the attorney for Stevens actually went into court afterward and asked to have the costs cut down!

Negroes who commit homicide, though more vigorously punished than white murderers, yet frequently escape with five or ten years in the penitentiary — especially if they have money or a few white friends. All this had induced a contempt of the courts of justice — a fear that, after all, through the delays and technicalities of the law and the compassion of the jury, the murderer of Wal-drop would not be punished as he deserved. This was the substance of the reasoning I heard repeatedly: "That negro, Maples, ought to have been hanged; we were not sure the jury would hang him; we hanged him to protect ourselves."

I met an intelligent farmer during a drive through Madison County. Here are some of the things he said, and they voiced closely what I heard in one form or another from many people in all walks of life:

"Life is cheap in Madison County. If you have a grudge against a man, kill him; don't wound him. If you wound him, you'll likely be sent up; if you kill him, you can go free. They often punish more severely for carrying concealed weapons or even for chicken stealing in Madison County than they do for murder."

So strong was the evidence in one murder case in an adjoining circuit that Judge Kyle instructed the jury to find the murderer guilty; the jury deliberately returned a verdict, "Not guilty." The Alabama system of justice is cursed by the professional juror chosen by politicians, and often open to political influences. This, with the unlimited right of appeal and the great number of peremptory challenges allowed to the defense in accepting jurymen, gives such power to the lawyers for the defendant that convictions are exceedingly difficult. Oftentimes, also, the prosecuting attorney is a young,



inexperienced lawyer, ill-paid, who is no match for the able attorneys employed by the defendant.

No ; it is not all race prejudice that causes lynchings, even in the South. One man in every six lynched in this country in 1903 was a white man. It is true that a negro is often the victim of mob-law where a white man would not be, because his crimes are peculiarly brutish, but the chief cause certainly seems to lie deeper, in the wide-spread contempt of the courts, and the unpunished subversion of the law in this country, both South and North. This, indeed, would probably be the sole cause of lynching, were it not for the crime of rape, of which I wish to speak again a little later.

### *Composition of the Mob at Huntsville*

Well, a mob began gathering in Huntsville before the grand jury had ceased its labors. It was chiefly composed of the workmen from the cotton-mills. These are of a peculiar class — pure American stock, naturally of high intelligence, but almost wholly illiterate — men from the hills, the descendants of the “poor white trash,” who never owned slaves, and who have always hated the negroes. The poor whites are and have been for a long time the industrial competitors of the negroes, and the jealousy thus engendered accounts in no small degree for the intensity of the race feeling.

Anticipating trouble, Judge Speake ordered the closing of all the saloons — there are only fifteen to a population of some twenty-one thousand — and called out the local military company. But the mob ran over the militiamen as though they were not there, broke into the jail, built a fire in the hallway, and added sulphur and cayenne pepper. Fearing that the jail would be burned and all the prisoners suffocated, the sheriff released the negro, Maples, and he jumped out of a second-story window into the mob. They dragged him up the street to the square in the heart of the city. Here, on the pleasant lawn, the Daughters of America were holding a festival, and the place was brilliant with Japanese lanterns. Scattering the women and children, the mob jostled the negro under the glare of an electric light, just in front of the stately old court-house. Here, impassioned addresses were made by several prominent young lawyers — J. H. Wallace, Jr., W. B. Bankhead, and Solicitor Pettus — urging the observance

of law and order. A showing of hands afterwards revealed the fact that a large proportion of those present favored a legal administration of justice. But it was too late now.

A peculiarly dramatic incident fired the mob anew. The negro was suddenly confronted by the son of the murdered peddler.

“Horace,” he demanded, “did you kill my old dad?”

Quivering with fright, the negro is said to have confessed the crime. He was instantly dragged around the corner, where they hanged him to an elm-tree, and while he dangled there in the light of the gala lanterns, they shot him full of holes. Then they cut off one of his little fingers and parts of his trousers for souvenirs. So he hung until daylight, and crowds of people came out to see.

### *Effort to Punish the Lynchers*

But the forces of law and order here had vigor and energy. Judge Speake, communicating with the Governor, had troops sent from Birmingham, and then, without shilly-shallying or delaying or endeavoring to shift responsibility, he ordered a special grand jury to indict the lynchers *the very next day*, and he saw to it that it was composed of the best citizens in town. When it met, so deep and solemn was its feeling of responsibility that it was opened with prayer, an extraordinary evidence of the awakened conscience of the people. More than this, the citizens generally were so aroused that they held a mass-meeting, and denounced the lynching as a “blot upon our civilization,” and declared that “each and every man taking part” with the mob was “guilty of murder.” Bold words, but no bolder than the editorials of the newspapers of the town or of the state. Indeed, this was nothing short of a splendid moral revolt. Every force of decency and good order was at work. Such strong newspapers as the *Birmingham Age-Herald*, the *Ledger*, and the *News*, the *Montgomery Advertiser*, the *Chattanooga News*, and, indeed, prominent newspapers all over the South united strongly in their condemnation of the lynchers and in their support of the efforts to bring the mob to justice.

### *Southern Newspapers on Lynching*

The *Huntsville Mercury* spoke of the “deep sense of shame felt by our good citizens in being run over by a few lawless spirits.”



"There is no justification," said the *Birmingham News*, "for the mob who, in punishing one murderer, made many more."

"This lynching," said the *Birmingham Ledger*, "is a disgrace to our state. The *Ledger* doesn't put its ear to the ground to hear from the North, nor does it care what Northern papers say. The crime is our own, and the disgrace falls on us."

"Where, in fact," said the *Age-Herald*, "does such business lead to? The answer is summed up in a word — anarchy!"

It would be well if every community in this country could read the full report of Judge Speake's grand jury. It is a work of the sort struck off only by men stirred to high things by what they feel to be a great crisis; it is of the same metal as the Declaration of Independence. Here is a single paragraph:

"Realizing that this is a supreme moment in our history; that we must either take a stand for the law to-day or surrender to the mob and to the anarchists for all time; that our actions shall make for good or evil in future generations; forgetting our personal friendships and affiliations, and with malice toward none, but acting only as sworn officers of the State of Alabama, we, the grand jury of Madison County, State of Alabama, find —"

This grand jury stopped with no half measures. It registers, perhaps, the highest mark reached in the new moral revolution in the South against lynching. Ten members of the mob were indicted — and not for mere rioting or for breaking into the jail, but for *murder*. The jury also charged Sheriff Rodgers, Mayor Smith, and Chief of Police Overton with wilful neglect and incompetence, and advised their impeachment. No one not understanding the far-reaching family and political relationships in these old-settled Southern communities, and the deep-seated feeling against punishment for the crime of lynching, can form any adequate idea of what a sensation was caused by the charges of the grand jury against the foremost officials of the city. It came like a bolt from a clear sky; it was altogether an astonishing procedure, at first not fully credited. When the utter seriousness of Judge Speake came to be fully recognized, a good many men hurriedly left town. The Birmingham soldiers, led by a captain with backbone, arrested a number of those who remained. Judge Speake ordered a special trial jury, and appointed an able lawyer, David A. Grayson, to assist Prosecu-

tor Pettus in bringing the lynchers to justice. The very next week the trials were begun.

### *Difficulty of Breaking the Lynching Habit*

By this time, however, the usual influences had begun to work; the moral revulsion had carried far, and the rebound had come. The energetic judge and his solicitors found themselves face to face with the bad old jury system, with the deep-seated distrust of the courts, with the rooted habit of non-punishment for lynchers. Moreover, it was found that certain wild young men, with good family connections, had been mixed up in the mob — and all the strong family and political machinery of the country began to array itself against conviction. A community has exactly as hard a road to travel in breaking a bad habit as an individual. The New South is having a struggle to break the habits of the Old South. It was found, also, that the great mass of people in the country, as well as the millworkers in the city, were still strongly in favor of punishment by lynching. One hundred and ten veniremen examined for jurors to try the lynchers were asked this question: "If you were satisfied from the evidence beyond a reasonable doubt that the defendant took part with or abetted the mob in murdering a negro, would you favor his conviction?" And seventy-six of them answered, "No."

In other words, a large majority believed that a white man should not be punished for lynching a negro. And when the juries were finally obtained, although the evidence was conclusive, they acquitted the lynchers, one after another. Only one man in one jury stood out for conviction — a young clerk named S. M. Blair, a pretty good type of the modern hero. He hung the jury, and so bitter was the feeling against him among the millworkers that they threatened to boycott his employer.

### *Relation of Lynching to the "Usual Crime"*

This is the reasoning of many of the men chosen as jurors; I heard it over and over again, not only in Huntsville but, in substance, everywhere that I stopped in the South:

"If we convict these men for lynching the negro, Maples, we shall establish a precedent that will prevent us from lynching for the crime of rape."



Every argument on lynching in the South gets back sooner or later to this question of rape. Ask any high-class citizen — the very highest — if he believes in lynching, and he will tell you roundly, "No." Ask him about lynching for rape, and in ninety-nine cases out of a hundred he will instantly weaken.

"If my sister or my daughter — look here, if *your* sister or *your* daughter — "

Lynching, he says, is absolutely necessary to keep down this crime. You ask him why the law cannot be depended upon, and he replies :

"It is too great an ordeal for the self-respecting white woman to go into court and accuse the negro ravisher and withstand a public cross-examination. It is intolerable. No woman will do it. And besides, the courts are uncertain. Lynching is the only remedy."

Yet the South is deeply stirred over the prevalence of lynching. The mob spirit, invoked to punish such a crime as rape, is defended by good people in the North as well as in the South ; but once invoked, it spreads and spreads, until to-day lynching for rape forms only a very small proportion of the total number of mob hangings. It spreads until a negro is lynched for chicken stealing, or for mere "obnoxiousness." In the year 1903, out of one hundred and three lynchings, only eleven were for rape and ten for attempted rape, while forty-seven were for murder, fifteen for complicity in murderous assault, four for arson, five for mere "race prejudice," two for insults to whites, one for making threats, five for unknown offenses, one for refusing to give information, and three were wholly innocent negroes, lynched because their identity was mistaken. It is probable that lynching in the South would immediately be wiped out, if it were not for the question of rape. You will hear the problem put by thinking Southerners very much in this fashion :

"We must stop mob-law ; every month we recognize that fact more clearly. But can we stop mob-law unless we go to the heart of the matter and stop lynching for rape ? Is there not a way of changing our methods of legal procedure so that the offender in this crime can be punished without subjecting the victim to the horrible publicity of the courts ?"

#### *Governor Cunningham — A Real Leader*

But I have wandered from my story. In Acting Governor Cunningham, the people of

Alabama have a real governor — a leader — who is not afraid to handle a dangerous subject like lynching. He sent a court of inquiry to Huntsville, which found the local military company "worthless and inefficient," because it had failed to protect the jail. Immediately, upon the receipt of this report, the Governor dismissed the Huntsville company from the service, every man in it. Quite a contrast from the action at Statesboro ! The Governor then went a step further : he ordered the impeachment of the sheriff, and the case is now pending in the supreme court. A little later Federal Judge Jones took up the case, charged his jury vigorously, and some of the mob rioters have been indicted in the federal courts. In the end, a few of them may possibly be punished.

Governor Cunningham has taken a bold stand against mob-law everywhere and anywhere in the state :

"I am opposed to mob-law," he said, "of whatsoever kind, for any and all causes. If lynching is to be justified or extenuated for any crime, be it ever so serious, it will lead to the same method of punishment for other crimes of a less degree of depravity, and through the operation of the process of evolution, will enlarge more and more the field of operation for this form of lawlessness."

It means something also when citizens, in support of their institutions and out of love of their city, rise above politics. Judge Speake had been nominated by the Democrats to succeed himself. A Democratic nomination in Alabama means election. After his vigorous campaign against the lynchers, he became exceedingly unpopular among the majority of the people. They resolved to defeat him. A committee waited on Shelby Pleasants, a prominent Republican lawyer, and asked him to run against Judge Speake, assuring him a certain election.

"I will not be a mob's candidate," he said. "I indorse every action of Judge Speake."

The committee approached several other lawyers, but not one of them would run against the judge, and the Republican newspaper of the town came out strongly in support of Judge Speake, even publishing his name at the head of its editorial columns. Before he could be elected, however, a decision of the State Supreme Court, unconnected in any way with the lynching, followed like fate, and deprived Madison



County of his services. He is now a private citizen, and even if he should come up for nomination to any political office, at present, he would undoubtedly be defeated. So much for the man who does his plain duty! The New South is not yet strong enough to defy the Old South politically.

*Influences Tending to Prevent Future  
Lynchings in the South*

But it is not likely that there will be another lynching soon in Madison County. The revolt against mob-law is too strong, and it is a sentiment that is growing rapidly. With the newspapers, the preachers, the good citizens, and the Governor fully aroused, the outlook is full of hope. And rural free delivery and country telephones, spreading in every direction, are inestimable influences in the quickening of public opinion. Better roads are being built, the country is settling up with white people, schools are improving, and the population generally, after a series of profitable cotton crops, is highly prosperous — all influences working toward the solution of this problem. Another potent factor in quieting race disturbance — whether we look at it as right or wrong — is the settlement of the status of the negro in the political field. Another is the sensible work of such negro educators as Booker Washington and Professor Councill, of Alabama.

No one, indeed, who looks seriously into

the lynching problem in the South can fail to be strongly impressed with the fact that the people everywhere, led by the best newspapers and the energetic younger men — the men who are developing the resources of the New South in such an astonishing way — have not only awakened to the gravity of their problem, but that they are making a genuine fight for social self-restraint, for the breaking up of old prejudices, in short, the replacing of mob-license by the orderly execution of the law. When I went South I shared the impression of many Northerners that the South was lawless and did not care — an impression that arises from the wide publication of the horrible details of every lynching that occurs, and the utter silence regarding those deep, quiet, and yet powerful moral and industrial forces which are at the work of rejuvenation beneath the surface. I came away from the South deeply impressed with two things:

That the South has no lessons to learn from the North, in so far as the lynching problem is concerned.

That the South is making fully as good progress in overcoming its peculiar forms of lawlessness as the North is making in overcoming *its* peculiar forms. Indeed, I do not know where in this country to-day there can be found a healthier or more patriotic growth of the civic conscience than in the more progressive cities of the South.

*In his article next month Mr. Baker will show what the Northern lynching town is like, indicate how it differs from the Southern lynching town, and, finally, suggest some interesting conclusions from his studies, both South and North.*—EDITOR'S NOTE.

## THE SCHISM AT ST. HILDA'S

BY

MARK LEE LUTHER



HE rector of St. Hilda's, Malbrook, rolled upon the culprit a magisterial eye.

"Scandalous!" he boomed.  
"Scandalous!"

The curate squared his shoulders for battle.

"How so?" he argued. "They obviously love one another."

"Pish!" emitted Dr. Bell, like a jet of escaping steam.

"If they preferred to keep the marriage secret for a month, it was their own affair. They're of age."

"Of age! They'll never come of age in common sense."

"And the ceremony was legally, canonically, ecclesiastically correct," added the